

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RONALD SATISH EMRIT,

Plaintiff,

vs.

THE GRAMMY AWARDS ON CBS
d/b/a The Recording
Academy/National Academy of
Recording Arts and Sciences
(NARAS),

Defendant.

CV 24-5-M-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto issued her Findings and Recommendations in this case on February 5, 2024, recommending that the Court dismiss Plaintiff Ronald Satish Emrit's Complaint (Doc. 2) with prejudice for failure to state a claim on which relief may be granted. (Doc. 4 at 7.) Finding no clear error in Judge DeSoto's Findings and Recommendations, the Court adopts them in full.

Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309,

1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Plaintiff filed a complaint alleging that Defendant ended Plaintiff's membership in the Grammy Awards and failed to reinstate his membership on account of his race. (Doc. 2 at 3–6.) Plaintiff asks the Court to mandate that Defendant reinstate Plaintiff's Grammy membership and order \$45 million in damages. (*Id.* at 9.)

Judge DeSoto recommends that the Court dismiss Plaintiff's Complaint because the Complaint fails to state a claim on which relief may be granted. (Doc. 4 at 7.) Judge DeSoto finds that Plaintiff's references to Title VII of the Civil Rights Act and the American Disabilities Act do not support his claims, nor does Plaintiff successfully allege any constitutional violations. (*Id.* at 4–7.) Even liberally construing the Complaint in Plaintiff's favor, Judge DeSoto finds that Plaintiff fails to adequately state a claim for relief. (*Id.* at 7.)

Judge DeSoto concludes that amendment would be futile because these deficiencies cannot be cured by the allegation of additional facts, and therefore, the Complaint should be dismissed with prejudice. (*Id.*)

Accordingly, having reviewed Judge DeSoto's Findings and Recommendations for clear error and finding none,

IT IS ORDERED:

1. Judge DeSoto's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL;
2. Plaintiff's Complaint (Doc. 2) is DISMISSED WITH PREJUDICE for failure to state a claim on which relief may be granted;
3. The Clerk of Court shall enter judgment of dismissal by separate document; and
4. The Court certifies, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.

DATED this 20th day of February, 2024.



Dana L. Christensen
Dana L. Christensen, District Judge
United States District Court